

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARELL CHANCELLOR,

Plaintiff,

CASE NO. 20-11992
HON. GEORGE CARAM STEEH

-vs-

OFFICER STEPHEN GEELHOOD,
In his individual and representative capacity,
And the CITY OF DETROIT,
A municipal entity,

Defendants.

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CITY OF DETROIT'S ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES Defendant CITY OF DETROIT, by and through its counsel, and for its answer to Plaintiff's complaint, states as follows:

1. Answering paragraph 1 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

2. Answering paragraph 2 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
3. Answering paragraph 3 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
4. Answering paragraph 4 of plaintiff's complaint, the City of Detroit is a municipal corporation located in Wayne County, Michigan.
5. Answering paragraph 5 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

COMMON ALLEGATIONS

6. Answering paragraph 6 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
7. Answering paragraph 7 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

8. Answering paragraph 8 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
9. Answering paragraph 9 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
10. Answering paragraph 10 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
11. Answering paragraph 11 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
12. Answering paragraph 12 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.
13. Answering paragraph 13 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

14. Answering paragraph 14 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

15. Answering paragraph 15 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

16. Answering paragraph 16 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

17. Answering paragraph 17 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

18. Answering paragraph 18 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

19. Answering paragraph 19 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

20. Answering paragraph 20 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

21. Answering paragraph 21 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

22. Answering paragraph 22 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

23. Answering paragraph 23 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

24. Answering paragraph 24 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

25. Answering paragraph 25 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

26. Answering paragraph 26 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

27. Answering paragraph 27 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

28. Answering paragraph 28 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

29. Answering paragraph 29 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

30. Answering paragraph 30 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

31. Answering paragraph 31 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

32. Answering paragraph 32 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

33. Answering paragraph 33 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

34. Answering paragraph 34 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

35. Answering paragraph 35 of plaintiff's complaint, defendant denies the allegations contained therein for the reason that they are untrue in the manner and form alleged.

COUNT I: STATE CLAIM – FALSE ARREST - GEELHOOD

36. Answering paragraph 36 of plaintiff's complaint, defendant incorporates its preceding responses.

37. Answering paragraph 37 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

38. Answering paragraph 38 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

39. Answering paragraph 39 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

40. Answering paragraph 40 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

41. Answering paragraph 41 of plaintiff's complaint, including all subparagraphs, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

COUNT II: STATE CLAIM – MALICIOUS PROSECUTION - GEELHOOD

42. Answering paragraph 42 of plaintiff's complaint, defendant incorporates its preceding responses.

43. Answering paragraph 43 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

44. Answering paragraph 44 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

45. Answering paragraph 45 of plaintiff's complaint, including all subparagraphs, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

COUNT III: STATE CLAIM – FALSE IMPRISONMENT - GEELHOOD

46. Answering paragraph 46 of plaintiff's complaint, defendant incorporates its preceding responses.

47. Answering paragraph 47 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

48. Answering paragraph 48 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

49. Answering paragraph 49 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

50. Answering paragraph 50 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

51. Answering paragraph 51 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

52. Answering paragraph 52 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

53. Answering paragraph 53 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

54. Answering paragraph 54 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

55. Answering paragraph 55 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

56. Answering paragraph 56 of plaintiff's complaint, including all subparagraphs, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

COUNT IV: STATE CLAIM – GROSS NEGLIGENCE - GEELHOOD

57. Answering paragraph 57 of plaintiff's complaint, defendant incorporates its preceding responses.

58. Answering paragraph 58 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

59. Answering paragraph 59 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

60. Answering paragraph 60 of plaintiff's complaint, defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

61. Answering paragraph 61 of plaintiff's complaint, including all subparagraphs, defendant lacks knowledge or information sufficient to form

a belief as to the truth of the allegations in this paragraph, and therefore denies the allegations.

WHEREFORE, Defendant requests that this Honorable Court dismiss Plaintiff's complaint with prejudice, and award Defendant costs and attorney fees wrongfully incurred.

Respectfully submitted,

/s/ Patrick M. Cunningham
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DATED: August 3, 2020

AFFIRMATIVE DEFENSES

1. Governmental immunity and or qualified immunity and or testimonial immunity render defendants immune to plaintiff's claims.
2. Defendants did not violate any of Plaintiff's clearly established constitutional rights.
3. Defendants acted in good faith, without malice, within the scope of their employment and were performing a discretionary function. As such, defendants are entitled to qualified immunity and are immune to all state intentional torts.
4. Plaintiff has failed to state a claim upon which relief can be granted.
5. Any injury suffered by plaintiff was proximately caused by their own conduct and/or the conduct of third parties.
6. Any injury suffered by plaintiff was proximately caused by their own wrongdoing, including serious wrongdoing that gives rise to the wrongful conduct defense.
7. Plaintiff failed to mitigate their damages.
8. Plaintiff's claims are barred, in whole or in part, by the lapsing of the applicable statute(s) of limitation.
9. To the extent, if any, that defendants, or anyone acting at the direction of or in concert with defendants, used force against plaintiff, each such use of force

was privileged and lawful because the force was reasonably applied in the execution of a lawful arrest, in the lawful performance of other police duties, with the plaintiff's consent, in self-defense, or in the defense of others.

10. At all relevant times, defendants acted with objective good faith and therefore have qualified immunity from liability on plaintiff's claims.

11. The arrest, seizure and/or imprisonment of plaintiff was supported by probable cause, exigent circumstances and/or a valid warrant.

12. Plaintiff has failed to join every legal and equitable claim arising from the incident central to the lawsuit.

13. Detention and/or search of plaintiff's person or property or entry onto or into Plaintiff's property, if any, was based on a valid search/arrest warrant and/or probable cause to believe a crime had been committed and/or reasonable suspicion that a crime had been committed. Search of plaintiff's person or property may have also been based on consent, exigent circumstances or hot pursuit. Any detention and/ or search was reasonable to investigate whether a crime had been committed and/or to complete necessary administrative processing. Any custodial searches were also protective for officer safety and search incident to arrest/ticketing.

14. The federal right supporting plaintiff's claim is not sufficiently clear. Thus, defendants did not know they would violate an individual's rights. *Anderson v. Creighton*, 483 US 635; 97 L.Ed.2d 523; 107 S.Ct. 3034 (1987).
15. Plaintiff suffered no damages, or their damages are *de minimis*.
16. Plaintiff's claims are barred by *Heck v Humphrey*, 512 U.S. 477, at 486-487, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).
17. Plaintiff's claims are barred by collateral estoppel and res judicata.
18. The City of Detroit or Detroit Police Department did not have or otherwise adopt any customs, policies and/or procedures which caused or otherwise were the moving force behind any constitutional violations alleged in Plaintiff's complaint, nor did any such alleged customs, policies and/or procedures originate from a decision maker with final policy making authority. Further, Defendants did not ratify, accept and/or otherwise condone any constitutional violations alleged in Plaintiff's complaint. Finally, Defendants did not act with deliberate indifference as to known or obvious consequences with respect to the activities alleged in Plaintiff's complaint and/or as to any constitutional violations, nor is there any widespread practice of constitutional violations and/or failure to take corrective action regarding the same with regard to discipline, supervision, or training.

Respectfully submitted,

/s/ Patrick M. Cunningham
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DATED: August 3, 2020

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2020, I electronically filed the foregoing with the clerk of the Court using the ECF system which will send notification and a copy of this filing to the attorneys of record.

/s/ Patrick M. Cunningham